

1 back to her office and I never, I was --

2 Q Never called to finalize what you started?

3 A Yes. I never saw them again.

4 Q And do you remember what the requirements for  
5 service chief were?

6 A Well, you have to be professional engineer, at  
7 least, because in the Veterans' Department you can be or  
8 maybe they were counting like experience, something but  
9 you have to be a degree of engineer to comply with the,  
10 your education have been --

11 Q So they were asking for an engineer, not like  
12 Mr. Morley?

13 A Yes, and for the education, the education  
14 required that you be, you've got an engineering degree.

15 Q In whatever --

16 A Yes.

17 Q -- branch of engineering?

18 A Yes.

19 Q Electrical, whatever.

20 A And there was some waiver in terms of  
21 experience or whatever.

22 Q Okay. Do you remember a specific grade that  
23 you had to occupy in order to apply?

24 A I think that was 13.

1 Q Okay.

2 A Thirteen was the minimum. Yes, because the  
3 position is for the, the position was for GS-14. You  
4 have to be, one of the requirements was you have to be  
5 in GS-13 for at least one year before you apply or  
6 qualify for this.

7 Q So you actually had to have the grade of GS-13  
8 assigned to you?

9 A Yes, yes, yes. I qualified for the position  
10 because I --

11 Q I understand that you qualified but you  
12 decided not to apply --

13 A Because I was not interested in the position.

14 Q Too much responsibility and --

15 A Yes.

16 Q -- and the pay was not very good?

17 A Not good for the difference that I was  
18 earning.

19 Q Salary. And do you remember why she took away  
20 from you the responsibility of going over the  
21 applications? What was her, Jeanette Ramos, Jeanette  
22 Diaz' concern when she learned that you were doing that?

23 A I don't know. I don't know because --

24 Q You were in a meeting with her?

1           A     I was in a meeting in his office and raised  
2           this, I think that she, I, I told her that I was doing  
3           the screening and she ordered the secretary to, to get  
4           out from the records and --

5           Q     What secretary?

6           A     I don't remember.

7           Q     Your secretary or her secretary?

8           A     No, no, the Service, her.

9           Q     Her secretary?

10          A     Yes.

11          Q     Ms. Diaz' secretary?

12          A     Yes.

13          Q     To go over your office and take the --

14          A     Not, or to call, just to get the order, to  
15          send somebody or whatever or bring, or somebody from the  
16          Service to bring back the applications.

17          Q     Okay. Do you remember whether architects were  
18          allowed to apply? You have to be vocal. Verbal, you  
19          answer has to be verbal. You don't remember?

20          A     I don't remember.

21          Q     Was Lucy Febus the one who picked up the  
22          binders from your office?

23          A     No. She gave them to me but I don't remember  
24          if she was the one that picked up. Maybe Jeanette

1 called her. I don't know but.

2 Q Okay. But they were no longer in your office?

3 A No.

4 Q When you --

5 A When I returned to my office, the records were  
6 not there. Were removed by somebody.

7 Q Okay. Did you continue participating  
8 with, in the selection process or?

9 A No, no, never, nor asked.

10 Q Okay. After that I understand that the  
11 position for assistant chief, services, was also  
12 published?

13 A Yes.

14 Q Did you apply for that one?

15 A No.

16 Q Why not?

17 A Was the same degree as me.

18 Q Same degree?

19 A Yes, GS-13.

20 Q Okay. While you were acting, I understand  
21 that you told me that it alternated, six months and six  
22 months?

23 A No. Well, my first was fourth months, I  
24 stayed for four months.

1 Q And then --

2 A And then after was three months and three  
3 months. I was 90 days, she was planning to do  
4 alternate, I think was Bou will be three months and I  
5 will be three months before the person in property was  
6 appointed.

7 Q Okay. During this period of time, do you  
8 remember whether a discussion was held with you  
9 regarding a letter of reprimand that Mr. Figueroa was  
10 going to receive?

11 A No.

12 Q No. Were you advised by Lisa Morales that  
13 she was going to give Mr. Figueroa a letter of  
14 reprimand?

15 A No. I don't remember.

16 Q With the present state of the reorganization,  
17 how do you feel working with the Service?

18 A Not good. I don't like the, the type of, it's  
19 authoritative and very harassed and very pushy, I'd say.

20 Q And who is the one --

21 A I don't feel in my person, I don't feel happy.  
22 I don't feel happy, very happy with this. I am going to  
23 retirement in the, maybe next year and I will prefer to,  
24 to get retired before continuing in, in my position.

1 Q Do you feel that this is because you're older  
2 than the other engineers?

3 MS. GONZALEZ VALENTIN: Objection as to  
4 the form of the question.

5 THE DEPONENT: No. Well, it's not the,  
6 it's not a thing of age. It's --

7 EXAMINATION CONTINUED

8 BY MS. RODRIGUEZ FRANK:

9 Q Is your seniority affecting you?

10 A Well, the thing is that I have so much  
11 experience in the different hospital areas when I see  
12 the decisions, the way that the things are managed and I  
13 disagree but they are very authoritative in their  
14 position.

15 Q Who specifically? Marrero and Quiñonez?

16 A Well, to Marrero and Quiñonez, the top  
17 management, to them for they are executing the, the  
18 orders or I don't know but in my personal opinion, I  
19 don't feel very happy.

20 Q So I must understand that after Mr. Marrero  
21 and Jimenez came you have not been given any promotion?

22 A No, no, no promotion, no awards. The awards  
23 is divided by the group that came from Roosevelt Roads.

24 Q And those are?

1 A Hum?

2 Q Can you tell me who those are, the names of  
3 the guys who came from Roosevelt Roads?

4 A Well, Jaime Marrero, Wilfredo Quiñones, Miguel  
5 Cordero.

6 Q Miguel Cordero?

7 A Yes. Miguel Cordero. These are the --

8 Q There's another guy named Pedro Calderin?

9 A Ah, Pedro Calderin, yes.

10 Q He's also from Roosevelt Roads?

11 A Yes, and there are others from Roosevelt Roads  
12 but are, but I don't know if they were employees,  
13 federal employees or they were working for contractors.

14 Q There, in Roosevelt Roads?

15 A Yes. There is Orlando, Orlando Casillas.

16 Q And Ivan Rosado?

17 A Ivan Rosado is the, the, the one that arrived,  
18 the last.

19 Q Have you received any training during this  
20 period in order --

21 A No.

22 Q -- to improve yourself?

23 A No.

24 Q No?

1           A     My training I do my own time because I have to  
2     comply with the continuous education.

3           Q     Do they pay for that?

4           A     I pay outside my regular working hours, I come  
5     to the College of Engineers and take the courses that I  
6     need to comply by my own.

7           Q     Okay. Have you heard any negative comments  
8     regarding your age or Mr. Bou's age, that you all have  
9     more experience and you're older than the Puerto Rico,  
10    the hospital, that the buildings is as old as you are?

11          A     Well, sometimes the men they make like jokes,  
12    comment. There was, I remember just some two months ago  
13    or two or three months ago that a comment was made in  
14    regard with the, how old was the, the, the VA Hospital.

15                Then Engineer Marrero asked Bou directly, I don't  
16    know, because I was the senior, not him. I am senior  
17    than Mr. Bou.

18          Q     But you have not been addressed directly? You  
19    have to be verbal.

20          A     No, no, no.

21                   MS. RODRIGUEZ FRANK: I don't have any  
22    more questions for you, Mr. Diaz. Thank very much.

23                   MS. GONZALEZ VALENTIN: Let me see if I  
24    have questions. Can we go off the record?



1 (Off the record.)

2 MS. GONZALEZ VALENTIN: This is Assistant  
3 U.S. Attorney Katherine Gonzalez. I just have a few  
4 questions, Mr. Diaz.

5 CROSS EXAMINATION

6 BY MS. GONZALEZ VALENTIN:

7 Q You mentioned that at some point in time Ms.  
8 Jeanette Diaz's intentions was to have you or Mr. Bou in  
9 the acting chief position before having someone in  
10 property --

11 A Yes.

12 Q -- occupied the position?

13 A Yes, yes, yes.

14 Q I just, I didn't have that clear.

15 A Well, after I completed my acting period that  
16 was November 30, 2002, her intentions were, were this,  
17 to share.

18 MS. RODRIGUEZ FRANK: They alternated.  
19 That's what I understand.

20 MS. GONZALEZ VALENTIN: Okay.

21 EXAMINATION CONTINUED

22 BY MS. GONZALEZ VALENTIN:

23 Q I wanted to know if he kept alternating --

24 A Yes.

1 MS. RODRIGUEZ FRANK: Yes, he did.

2 THE DEPONENT: And around that time she  
3 mentioned something or give us --

4 MS. RODRIGUEZ FRANK: A cash award.

5 THE DEPONENT: -- some cash award. She  
6 mentioned this.

7 EXAMINATION CONTINUED

8 BY MS. GONZALEZ VALENTIN:

9 Q What did she say, that you recall?

10 A Well, she mentioned that maybe in the future  
11 she was planning to give us a cash award.

12 Q Now, when you were looking at, at the  
13 candidates, the information on the candidates, for about  
14 how long did you look at the binders with the  
15 information on the candidates?

16 A Well, the thing that I have to read all the  
17 information given in the resume. Each one submitted a  
18 resume.

19 Q Yes, but for how long? Was it a day, two  
20 days?

21 A No, no, no, no. Hours, just hours. Maybe it  
22 could be between half hour to an hour, between half hour  
23 to an hour I dedicated to this case.

24 Q Okay. But in terms of the period of time

1 during which you were looking at these group of  
2 applications, did you keep those binders for an entire  
3 week or was it for one day?

4 A More or less, the binders were with me around  
5 five to, to seven days.

6 Q Now, I take it that in the position that  
7 you're currently holding -- I'm sorry. You didn't apply  
8 for the chief's position and you didn't apply for the  
9 acting position?

10 A Yes.

11 Q And after those two positions became vacant,  
12 you didn't apply for any other position?

13 A No.

14 MS. GONZALEZ VALENTIN: I don't have any  
15 more questions.

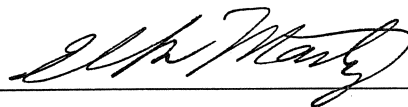
16 (At 10:01 a.m. the deposition was concluded.)  
17  
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REPORTER'S CERTIFICATE

I, ELBA MARTINEZ, Court Reporter;

DO HEREBY CERTIFY, That the foregoing transcript is a full, true and correct record of the testimony that was electronically recorded by me and thereafter reduced to typewritten form.

I FURTHER CERTIFY, that I am in no way interested in the outcome of the case mentioned in said caption.

A handwritten signature in cursive script, appearing to read "Elba Martinez", is written over a horizontal line.

CERTIFICATE OF NOTARY PUBLIC

I, ELAINE RODRIGUEZ FRANK, ESQ., duly  
commissioned and qualified in and for the Commonwealth  
of Puerto Rico;

DO HEREBY CERTIFY that the foregoing  
deposition was taken before me acting as a notary on the  
date and time heretofore mentioned;

That the court reporter and the deponent  
were sworn before the commencement of the taking of the  
deponent's testimony.

IN WITNESS WHEREOF, I sign these presents  
and affix my notarial seal in San Juan, Puerto Rico,  
this \_\_\_\_\_ day of \_\_\_\_\_ 2005.

\_\_\_\_\_

I, EDUARDO DIAZ BURGOS, the undersigned, do hereby certify that I have read the foregoing deposition taken the 31st day of May 2005 and that to the best of my knowledge, said deposition is true and accurate with the exception of the following corrections and reasons therefore listed below:

PAGE	LINE	CORRECTION	REASON
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This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears to be a standard notebook page, possibly from a composition book or a legal pad. The edges of the paper are slightly irregular, suggesting it might be a scan of a physical document. There is no handwriting or other markings on the page.

DATE: \_\_\_\_\_

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

MIKE FIGUEROA,

Plaintiffs

VS.

ANTHONY PRINCIPI, DEPARTMENT OF  
VETERANS AFFAIRS,

Defendants

:  
: CIVIL CASE NO.  
:  
: 04-1569  
:  
: (DRD)  
:  
:  
:

DEPOSITION OF:

LUZ FEBUS

was taken on May 17, 2005 at the offices of ELAINE  
RODRIGUEZ FRANK, 524 Jose Besosa Street, Hato Rey, Puerto  
Rico commencing at 10:35 A.M.

**BONAFIDE & CERTIFIED REPORTING**

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